

## FIGHT FOR COMMISSION

It Is Renewed in the House by Colonel Cabell.

### WANTS A LONG RECESS

Fixes Dates from May 15th to Nov. 10th, and Provides Money to Pay Commission—Some Bills Offered on House Side.

The feature of the House session yesterday was the effort of Colonel George C. Cabell, Jr., of Danville, to get through a joint resolution for a recess of the General Assembly from May 15th to November 10th, and the appointment of a joint commission to take up the work and report to the latter date session.

The resolution, together with a substitute offered by Mr. Edwards, of West Point, was postponed until to-day, when a big battle will be conducted over them. Colonel Cabell stated that there was no thunder in his resolution, and that he would not serve on the commission if he should be named.

The feature of to-day's session will doubtless be the discussion of the resolution.

The House was called to order at noon by Speaker John S. Ryan, and prayer was offered by Rev. Russell Cool, of the Presbyterian church.

Among the bills reported from committees were:

"To require the Corporation Commission to fix storage demurrage and service charges, which may be collected by railroad and other transportation companies."

"To make registrars conservators of the peace."

Mr. Cabell, of Danville, offered a joint resolution providing that when the Legislature adjourn on May 15th, it be to reassemble on the 10th day of November and for the appointment of a joint committee on Revision and Adjustment to be composed of three on the part of the House and two on the part of the Senate. The resolution appropriates \$5,000 for the expenses of the Commission.

Mr. Cabell spoke for his resolution and asked that it go over. He declared that he would not serve on the Commission if appointed and that there was no thunder in his resolution.

Mr. Edwards named no date for adjournment in his resolution and they both went over without action.

Mr. Whitehead offered a resolution calling upon the Commission of Agriculture to make an itemized account of the expenses of his department for the last fiscal year.

Mr. Whitehead spoke earnestly for his resolution and said he desired to know what disposition was being made of the funds appropriated for this department.

Mr. Bowman called attention to the reports on the desks of members and Mr. Whitehead declared that it did not tell anywhere.

He made no reflection on the commission, but he had a right to know what was being done with the money, when it was sought to raise additional taxes upon the fertilizer manufacturers of the State.

Mr. Churchman urged that the resolution be referred. Mr. Whitehead spoke again for his passage. Mr. Read made his maiden speech, and while favoring the resolution, he defended the department briefly.

The resolution was referred and Mr. Whitehead reiterated that he meant no reflection upon the department of Agriculture.

The following bills were offered and referred:

By Mr. Lowry: To require promoters to pay cost of elections, provided their schemes fail at the polls.

By Mr. Jennings: Petitions for and against the Harvey osteopath bill.

By Mr. Churchman: Making it unlawful for insurance companies not incorporated in Virginia, but legally admitted to do business therein to place

insurance on property in this State in offices outside of Virginia in violation of the tax laws.

By various members: Petitions favoring the Mann-Hauser bill.

MR. CHURCHMAN'S BILL.

Mr. Churchman offered a bill amending an act of February 5, 1896, in relation to insurance companies, and designed to cure what is said to be a defect in the original law.

It is contended that the act of 1896 was for the purpose of requiring all insurance companies, except life companies, to have agents in the State as a condition of writing Virginia policies. It is held that the body of the law applies to fire insurance companies.

The amendment brings all companies into life, under the operation of the act. Accident and steam boiler insurance companies are affected by the amendment.

The Edwards bill confirming certain leases to oyster bottoms in Westmoreland County, came up on its second reading and the patron made a strong appeal for its passage.

He was eloquent in his appeal for what he declared was but justice to the parties who had made the lease, and he was followed by Mr. Baker, of Westmoreland, who spoke strongly against the bill and gave a complete history of the entire transaction.

At the conclusion of Mr. Baker's speech, the House adjourned until noon to-day.

### GOOD ROADS IS NOW A BIG ISSUE

The subject of making and keeping in repair the public roads of the State is a very live one in the present Legislature, and it is now as if something will be done on this line at the current session.

The Edmondson bill has now been reported from the committee with some amendments, bringing it nearer to the legislative action. The bill has now been withdrawn, and the three members favoring good roads are now all behind one measure.

Yesterday the Rice bill to create a State Highway Commission was up but was not acted upon. This bill names the Governor and the Commissioner of Agriculture on the commission, and the former officer is authorized to name a third, who shall be the chairman of the commission. The commission is mainly to gather information on the subject of good roads and to create a public sentiment in the State for their permanent improvement. It is almost certain that some action will be taken on either one or the other of these bills before adjournment.

### Railroad Changes.

P. J. Flynn, general freight agent of the Lackawanna Railroad, has been appointed freight traffic manager of the Lackawanna system, while John H. Crawford, general Eastern freight agent, will become general freight agent, and Nat. Duke, the general New England agent, will become general Eastern freight agent. These appointments are effective April 1st.

## DIRECTORS OF THE STATE HOSPITALS

List of Nominations Sent to the Senate by the Governor Yesterday.

Governor Montague yesterday sent to the Senate the following nominations:

I hereby nominate, subject to your confirmation, the following appointments, on the special Board of Directors for the State hospitals named below:

Eastern State Hospital—Eugene H. Clowes, of Richmond, for a term of two years; J. Taylor Garnett, of Matthews, for a term of four years; H. D. Cole, of Williamsburg, for a term of six years.

Western State Hospital—S. H. Hansbrough, of Winchester, for a term of two years; R. S. Turk, of Staunton, for a term of four years; James L. Tredway, of Pittsylvania, for a term of six years.

Southwestern State Hospital—John C. Osborne, of Radford, for a term of two years; C. C. Tallaferro, of Roanoke, for a term of four years; Haynes Morgan, of Smyth, for a term of six years.

Central State Hospital—Robert B. Cooke, of Norfolk, for a term of two years; Julius Straus, of Richmond, for a term of four years; Robert Gilliam, of Petersburg, for a term of six years.

As provided for in article 2, section 14b, and section 12 of the schedule of the Constitution.

## GOVERNOR USES VETO

Does Not Approve Measure Relating to Superintendents.

### BOOK SCANDAL PREDICTED

Senator Shackelford, Patron, Asks Bill to Be Passed Over Veto—The Senate Suspends Action Until To-Day.

Governor Montague used the veto power for the first time yesterday during the present session of the General Assembly, sending back to that body without his approval the bill making school superintendents who have written a book or invented an appliance that is liable to be used in the schools of the State ineligible to election to the State Board of Education.

This action will meet with marked satisfaction among the superintendents in the State and many others.

The Governor did not take the full time to arrive at his decision, having until to-morrow in which to return the proposed measure. His reasons are given fully in an argumentative strain, and are appended:

"To the Senate: 'I return herewith, without approval, Senate bill No. 249, entitled an act to prevent authors, publishers, book-sellers and any be interested parties from becoming members of the State Board of Education.'

"It should first be observed that the title does not fairly indicate the object of the bill, in that the title disqualifies all members of the State Board of Education who are authors, publishers, book-sellers or interested parties, whereas the bill itself extends this disqualification to the two associated members of the board, who are to be selected by the original board. Therefore, the inquiry at once presents itself, why this discrimination? Why should the law make that which is not a disqualification as to six members of the board as to two members of the board?

"RESTRICTS THE RANGE. 'In other words, what justification can there be for one standard of eligibility as to six and another as to two members of the board? What practical result can be achieved and what evil can be prevented by such a conflicting rule of qualification, especially when the disqualification in question applies to only two of a board of eight members? And in this connection it is not impertinent to observe that the bill restricts the range of selection by the board by fixing a disqualification which it does not impose upon the Senate in the performance of a similar duty.

"But the objection to the bill assumes a more serious nature than its futility to achieve the objects declared in its title. This consists in making that a disqualification which should really be a qualification for membership.

"This disqualification is the ability and learning to write a book which is used or may be in use hereafter in any of the schools of the State, for the prohibition extends to 'the author or editor of any text-book or text-books now in use, or which belongs to a class which may hereafter be eligible for selection for use in the schools of the State.' Consequently, if by education, knowledge or approved capacity one may have written a book which will instruct or enlighten the minds of pupils from the kindergarten to the University of the State, then such benefactor, by virtue of his capacity, at once and for all time to come, was barred from the Board of Education.

"In short, what should be the highest qualification for such a position becomes a ban upon authorship and inventive genius.

PERPETUAL DISABILITY. "And this disqualification is a perpetual disability which the unfortunate author can never remove, for no matter how entirely an author has parted with all interest in his book, and no matter what may be his ability and character and subsequent contribution to the upbuilding of education, his services are forever withheld from the people.

"Therefore, it is submitted that if Virginia should so forbid the service of efficient and educated men in the cause of education, then the policy to be subserved by the bill manifestly encourages ignorance and discourages authorship and competency.

"Surely it should not be the policy of the State to debar her best equipped educators from the service of the public free schools. Nor can it be sustained that the

reading of the bill, however worthy, is at all necessary, in that the objects thereby to be obtained are already secured by section 1472 of the Code, as amended, which amply forbids eligibility to any one who is so interested as is provided for in the bill objected to. Moreover, I am of opinion that the disqualification as to authorship is contrary to section 380 of the Constitution, in that the board is directed to select and associate with itself two division superintendents of schools, one from a county, the other from a city.

"The Constitution, in terms, fixes the qualification. This qualification is, first, that such associate member must be a superintendent of schools, and second, that one shall be from a county and one from a city. The Legislature may prescribe who shall be a superintendent of schools, but when one has become a superintendent of schools his eligibility of membership upon the State Board of Education is affirmed by the Constitution.

"The Legislature, therefore, has no constitutional authority to restrict the class of constitutional eligibles. Clearly, it is the manifest wording and purpose of the Constitution to have a given class of officials from whom the two associate members may be selected, to say that only a portion of this class are eligible is to beg the whole question and to negative the constitutional provision. So that the good of the public schools and a compliance with constitutional requirements constrain me to enter my protest against the bill which will seriously retard the educational interests of the Commonwealth.

"A. J. MONTAGUE."

READ TO THE SENATE. The reading of the communication was given the closest attention by the members of the Senate and spectators present. Mr. Shackelford, the gentleman from Orange and patron of the bill, was immediately recognized at the conclusion of the reading. The gentleman moved that the bill be passed over the veto.

He stated that he did not wish to weary the Senate with a speech. The bill spoke for itself. It had been passed with practically no objection, and he could see no good reason why the measure should not be passed over the Governor's veto.

"The case is simply this," said the Orange Senator; "it is to prohibit the authorship of a book of people who would adopt their own goods and sell them to their servants. If this thing is done there will be the biggest book scandal ever heard of in Virginia."

Mr. Claytor thought it was the Governor to consider the reasons for the veto, and the matter went over until to-day.

## FIGHTS BREWING FOR LEGISLATURE

Some Fierce Contests Are Expected This Fall.

As the legislative session draws along there is naturally a great deal of political gossip about the Capitol, and it is gradually beginning to take the shape that sentiment among the Democrats looks for and fears some great contests with the opposite party at the polls this fall.

All the House and half the Senate members are to be chosen, and it can be plainly seen that in many of the districts fierce party contests will rage. Not a few of the present members of both houses will be eligible for re-election if they shall hold on to their present offices of Commonwealth's Attorney, Superintendent of Schools, etc., and others have expressed a desire to retire from the bubbling whirlpool of politics and go back to dwell again within the sound of the waters that ripple on the plain of private life.

This has been a strenuous session of the Legislature, and not a few members have tired already of its cares and responsibilities. These, therefore, may not run again, but there are others who will seek vindication in a second term, and still others who will come back without opposition.

With the abolition of the present County Court system there will naturally come a strong flow of men now upon the bench to the Legislature, and some of them are expected to take a very high stand in the body. There will be a feature of the senatorial fights this fall which will give them additional life and interest, and it is the fact that the Senators chosen will take part in the United States Senatorial contest in 1905. Men are already announcing themselves for the next Legislature throughout the State, and by the middle of the summer the contest will be on in deed earnest.

Mr. Miner Recovering. The condition of Councilman E. W. Miner, cashier of the Western Union Telegraph Company, who was made quite ill early yesterday morning, as a result of having eaten some cream puffs, was much improved last night. He is practically out of danger, and again in a few days will be out and attending to business as usual. He is at the residence of his sister, Mrs. J. F. Putney.

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Mr. Dudley Staples, who has been quite ill, is improving rapidly.

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Colonel Cabell is a son and law partner of Colonel George C. Cabell Sr., the brilliant ex-Congressman from the Fifth District, and he inherits many of the gifts of his distinguished father. He is chief of Governor Montague's staff, and turned the tide for the young Governor last year by swinging Danville for him at a critical period of the great struggle.

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The entertainment is primarily for the families of Shockoe's members.

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**CAMPBELL MAY GET TWO REPUBLICANS**

Messrs. Goodwin and Moore Are Put Down for Him.

The Campbell-Crawford mill is grinding slowly at the Capitol, and almost every day some good story leaks out as to the probability of the final result.

The latest one is that at least two of the seventeen Republicans of the House will vote against sustaining the report of the Judiciary Committee and in favor of retaining Judge Campbell on the bench.

One of them, Mr. Moore, of Tazewell, does not hesitate to state his position. He says he will vote against the report because the accused judge has but a little while longer to serve, and because personal friends desire he shall so vote.

Mr. Moore is a big-hearted gentleman, and desires, he says, to gratify the wishes of some of his close friends who are supporting Judge Campbell. Hon. W. H. Woodwin, of Nelson, is the other Republican member who is put down by rumor as a Campbell advocate, though he will neither deny nor confirm the report. The matter cannot finally come up in the two houses until after April 7th, on which day the twenty days allowed Judge Campbell in which to answer the charges will expire.

The utmost interest still prevails as to the final outcome of the struggle, and some spirited oratory is anticipated over the reports in both houses.

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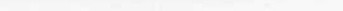
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